



House of Representatives

File No. 688

General Assembly

January Session, 2009

(Reprint of File No. 559)

House Bill No. 5138
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 16, 2009

AN ACT CONCERNING THE PLACEMENT OF UNITED STATES FLAGS ON THE GRAVES OF VETERANS.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 19a-297 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The selectmen of towns, cemetery associations or ecclesiastical
4 societies, having the care of cemeteries, may (1) enact bylaws
5 providing for the care and management of all burial lots, and the
6 protection of all shrubs, trees, fences and monuments thereon,
7 provided no such bylaws shall (A) require or result in the removal or
8 banishing of any undamaged United States flag or armed forces
9 service marker, including flagholders provided by veterans
10 organizations, from any grave site, or (B) restrict the placement of
11 United States flags on the graves of veterans from the Saturday before
12 Memorial Day in each year until the Monday after the fourth of July,
13 and [may] (2) appoint superintendents and sextons for such
14 cemeteries. [, who] Such superintendents and sextons shall have the
15 exclusive right to direct the opening of graves, and no grave shall be

16 opened in any cemetery except with the consent of the superintendent
17 or sexton. Any person to whom such bylaws have been made known
18 who violates the same shall be fined not more than ten dollars. The
19 incorporators, organizers or members of any cemetery association or, if
20 no incorporators, organizers or members are living, the owners of
21 burial lots therein, by a majority vote, may, at any meeting called for
22 that purpose, amend its articles of association or its bylaws.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	19a-297
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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill prohibits selectmen of towns, cemetery associations or ecclesiastical societies from enacting bylaws restricting the placement of United States flags on veterans' graves from the Saturday before Memorial Day through the Monday after July 4 each year. This does not result in any fiscal impact to the state or municipalities.

House "A" applies the prohibition to United States flags only and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

Sources: Select Committee on Veterans' Affairs Public Hearing Testimony 2/3/09

OLR Bill Analysis**HB 5138 (as amended by House "A") ******AN ACT CONCERNING THE PLACEMENT OF UNITED STATES
FLAGS ON THE GRAVES OF VETERANS.*****SUMMARY:**

This bill prohibits towns, cemetery associations, or ecclesiastical societies that care for cemeteries from restricting the placement of U.S. flags on veterans' graves from the Saturday before Memorial Day until the Monday after July 4 in each year.

*House Amendment "A" applies the removal prohibition to U.S. flags, instead of any flag.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Change of Reference

Yea 10 Nay 0 (03/05/2009)

Public Health Committee

Joint Favorable

Yea 30 Nay 0 (03/20/2009)